

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

JC974 U.S. PTO  
10/036012  
12/26/01

In re Application of:

Erik J. Wagner

Serial No.: 09/089,027

Filed: June 2, 1998

For: SYSTEM AND METHOD  
FOR STABILIZING THE HUMAN  
SPINE WITH A BONE PLATE

§ Examiner: Unknown  
§  
§ Group Art Unit: 3731  
§  
§ Attorney Docket No. 5259-00601/EBM  
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CERTIFICATE OF MAILING  
37 C.F.R. 1.8

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*[Signature]*  
Signature

Assistant Commissioner for Patents  
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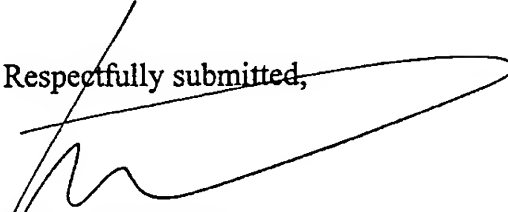
INFORMATION DISCLOSURE STATEMENT

Sir:

It is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. The references listed on the Form PTO-1449 were previously submitted to or cited by the U.S. Patent and Trademark Office in U.S. Application Serial No. 08/905,823, to which the captioned application is seeking priority under 35 U.S.C. §120.

Should any fees be required, the Commissioner is authorized to charge said fees to  
Conley, Rose & Tayon, P.C. Deposit Account No. 03-2769/5259-00601/AEBM.

Respectfully submitted,



Eric B. Meyertons  
Reg. No. 34,876  
Attorney for Applicants

CONLEY, ROSE & TAYON, P.C.  
P.O. BOX 398  
AUSTIN, TEXAS 78767-0398  
(512) 476-1400 (voice)  
(512) 703-1250 (facsimile)

Date: 10/13/98

**Form PTO-1449** (modified)  
List of Patents and Publications  
For Applicant's Information  
Disclosure Statement  
(Use several sheets if necessary)

ATTY. DOCKET NO: 5259-00601

SERIAL NO: 09089



APPLICANT: Wagner et al.

FILING DATE: June 2, 1998

GROUP: 3731

**U.S. PATENT DOCUMENTS**

EXAM. INITIALS	REF. DES	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	5,360,431	11/01/94	Puno et al.			
	AB	5,176,678	01/05/93	Tsou			
	AC	4,946,458	08/07/90	Herma et al.			
	AD	5,304,179	04/19/94	Wagner			
	AE	5,181,917	01/26/93	Rogozinski			

**FOREIGN PATENT DOCUMENTS**

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	AG	5,201,734	04/13/93	Cozad et al.			
	AH	5,154,718	10/13/92	Cozad et al.			
	AI	5,282,801	02/01/94	Sherman			
	AJ	5,312,405	05/17/94	Korotko et al.			

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	AK	5,242,445	09/07/93	Ashman			
	AL	5,261,909	11/16/93	Sutterlin et al.			
	AM	5,176,680	01/05/93	Vignaud et al.			
	AN	5,246,442	09/21/93	Ashman et al.			
	AO	4,433,677	02/28/84	Ulrich et al.			

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	AP	4,987,892	01/29/91	Krag et al.			
	AQ	5,047,029	09/10/91	Aebi et al.			
	AR	5,127,912	07/07/92	Ray et al.			
	AS	5,147,359	09/15/92	Cozad et al.			
	AT	5,102,412	04/07/92	Rogozinski			

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	AU	5,281,222	01/25/94	Allard et al.			
	AV	5,074,864	12/24/91	Cozad et al.			
	AW	4,641,636	02/10/87	Cotrel			
	AX	5,005,562	04/09/91	Cotrel			
	AY	4,961,740	10-09-90	Ray et al.			

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	AZ	5,192,327	03-09-93	Brantigan et al.			
	BA	5,578,033	11-26-96	Errico et al.			
	BB	5,520,690	05-28-96	Errico et al.			
	BC	5,531,746	07-02-96	Errico et al.			
	BD	5,554,157	09-10-96	Errico et al.			

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	BE	5,549,608	08-27-96	Errico et al.			
	BF	5,575,792	11-19-96	Errico et al.			
	BG	5,522,899	06-04-96	Michelson			
	BH	5,290,312	03-01-94	Kojimoto et al.			
	BI	5,336,223	08-09-94	Rogers			

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	BJ	5,571,192	11-05-96	Schönhöffer			
	BK	4,401,112	08-30-83	Rezaian			
	BL	5,380,325	01-10-95	Lahille et al.			
	BM	5,344,422	09-06-94	Frigg			
	BN	5,507,746	04-16-96	Lin			

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	BO	4,950,269	08-21-90	Gaines, Jr.			
	BP	4,887,596	12-19-89	Sherman			
	BQ	4,805,602	02-21-89	Puno et al.			
	BR	4,763,644	08-16-88	Webb			
	BS	5,129,388	07-14-92	Vignaud et al.			

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		APPLICANT: Wagner et al.					
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<b>U.S. PATENT DOCUMENTS</b>							
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	BT	5,403,315	04-04-95	Ashman			
	BU	5,364,399	11-15-94	Lowery et al.			
	BV	5,549,612	08-27-96	Yapp et al.			
	BW	4,503,848	03-12-85	Caspar et al.			
	BX	5,405,391	04-11-95	Hednerson et al.			
<b>FOREIGN PATENT DOCUMENTS</b>							
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	BY	5,474,555	12-12-95	Puno et al.			
	BZ	5,390,683	02-21-95	Pisharodi			
	CA	5,171,278	12-15-92	Pisharodi			
	CB	5,123,926	06-23-92	Pisharodi			
	CC	5,601,556	02-11-97	Pisharodi			

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EXAM. INITIALS	REF. DES	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	CD	5,466,237	11-14-95	Byrd, III et al.			
	CE	5,545,165	08-13-96	Biedermann et al.			
	CF	5,489,308	02-06-96	Kuslich et al.			
	CG	5,361,766	11-08-94	Nichols et al.			
	CH	5,242,448	09-07-93	Pettine et al.			

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EXAM. INITIALS	REF. DES	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	CI	5,584,834	12-17-96	Errico et al.			
	CJ	5,586,984	12-24-96	Errico et al.			
	CK	5,536,270	07-16-96	Songer et al.			
	CL	5,318,566	06-07-94	Miller			
	CM	5,116,340	05-26-92	Songer et al.			

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	CN	5,312,410	05-17-94	Miller et al.			
	CO	5,423,820	06-13-95	Miller et al.			
	CP	5,395,374	03-07-95	Miller et al.			
	CQ	4,570,618	02-18-86	Wu			
	CR	5,415,658	05-16-95	Kilpela et al.			

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	CT	4,966,600	10-30-90	Songer et al.			
	CU	5,611,801	03-18-97	Songer			
	CV	4,643,178	02-17-87	Nastari et al.			
	CW	5,417,690	05-23-95	Sennett et al.			

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	DB	Danek Group, Inc. Medical Division Publication entitled, "TSRH Spinal System - Unmatched versatility," 1992, pp. 1-4
	DC	Danek Surgical Technique Manual entitled, "TSRH Spinal Implant System," Date Unknown, pp. 1-16
	DD	Danek Surgical Technique Manual entitled, "TSRH Crosslink," Date Unknown, pp. 1-8
	DE	Dickman Curtis A., et al., BNI Quarterly Publication entitled, "Techniques of Screw Fixation of the Cervical Spine," Vol. 9. No. 4, Fall 1993, pp. 27-39.

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	DF	Slone et al., RadioGraphics Publication entitled, "Spinal Fixation," Vol. 13 No. 2, March 1993, pp. 341-356.
	DG	Synthes Spine Publication entitled, "The Universal Spinal System - Internal Fixation for the Spine," 1994, pp. 1-15.
	DH	AcroMed Publication entitled, "The ISOLA Spinal System - Versatility, simplicity and minimal profile in the surgical treatment of the spine," 1994, pp. 1-15.
	DI	AcroMed Corporation Publication entitled, "ISOLA® Transverse Rod Connectors: Principles and Techniques," Date Unknown, pp. i, ii, 1-8.

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	DJ	DANEK Publication entitled, "AXIS - Fixation System," 1993, pp. 1-6.
	DK	Synthes Publication entitled, "Small Notched Titanium Reconstruction Plate System," 1996, pp. 1-6.
	DL	J. Neurosurg Publication entitled, "Posterior plates in the management of cervical instability: long-term results in 44 patients," Vol. 81, 1994, pp. 341-349.
	DM	BNI Quarterly Publication entitled, "Lateral Mass Posterior Plating and Facet Fusion for Cervical Spine Instability," Vol. 7, No. 2, 1991, pp. i, ii, 1-12.

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APPLICANT: Wagner et al.

FILING DATE: June 2, 1998

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DN	Beadling, Lee, Orthopedics Today Publication entitled, "FDA Clears Spinal Cages for Interbody Lumbar Fusion," pp. 1-2
DO	MedPro Month Publication entitled, "Trends in Spine & Disk Surgery," Vol. VI, No. 11-12, pp. 280-284
DP	Surgical Dynamics Ray Threaded Fusion Cage Device Surgical Technique Manual, pp. 1-10
DQ	Surgical Dynamics Ray Threaded Fusion Cage, pp. 1-6

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	DR	5,609,635	03-11-97	Michelson			
	DS	5,609,636	03-11-97	Kohrs et al.			
	DT	5,607,424	03-04-97	Tropiano			
	DU	5,609,592	03-11-97	Brumfield et al.			
	DV	5,613,967	03-25-97	Engelhardt et al.			

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	DW	5,611,800	03-18-97	Davis et al.			

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	DX	AcroMed Publication entitled, "AcroMed Spinal Solutions for Cervical Pathologies," 07-95, pp. 1-8.					
	DY	Codman Publication entitled, "Soft wire Cable System," 6 pp.					
	DZ	Huhn, Stephen L. et al., "Posterior Spinal Osteosynthesis for Cervical Fracture/Dislocation Using a Flexible Multistrand Cable System: Technical Note," Neurosurgery, vol. 29, no. 6, 1991, pp. 943-946.					
	EA	Dickman, Curtis A. et al., "Wire Fixation for the Cervical Spine: Biomechanical Principles and Surgical Techniques," BNI Quarterly, vol. 9, no. 4, Fall 1993, pp. 2-16.					
	EB	Publication by AcroMed entitled, "ACROMED Cable System by Songer," 9/93, 4 pp.					

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EC	M. Aebi, MD, et al., "Treatment of Cervical Spine Injuries with Anterior Plating: Indications, Techniques, and Results," vol. 16, no. 3S, March, 1991 Supplement, pp. S38-S45.
ED	Foley, M.D. et al., "Aline Anterior Cervical Plating System," Smith & Nephew Richards, Inc. Orthopaedics Catalog Information, 9/96, pp. 1-16.
EE	Lowery, Gary L., M.D., Ph.D., Sofamor Danek Group, Inc. Publication entitled, "Orion Anterior Cervical Plate System: Surgical Technique," 1994, pp. 1-24.
EF	Apfelbaum, R., M.D., Aesculap Scientific Information publication entitled, "Posterior Transarticular C1-2 Screw Fixation for Atlantoaxial Instability," 1993, pp. 1-15.
EG	Danek Titanium Cable System publication by Danek Group, Inc., 1994, 6 pp.

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	EH	Publication entitled, "Spinal Disorders", 4 pp.					
	EI	O'Brien, John P., Ph.D., Orthopaedic Product News Article entitled, "Interbody Fusion of the Lumbar Spine," pp. 1-3.					
	EJ	Roy et al., "Variation of Young's Modulus and Hardness in Human Lumbar Vertebrae Measured by Nanoindentation", pp. 1-4.					
	EK	Sofamor Danek publication entitled, "Atlas Cable System: Evolution of the Cable System for Spinal Applications," 1995, 2 pp.					
	EL	AcroMed publication entitled, "AcroMed Songer Cable System: Ordering information for Implants and Instruments," 4/96, 4 pp.					
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	EM	Songer, Matthew, M.D., "Acromed Cable System by Songer: Cervical Technique Manual," pp. 1-17.
	EN	Songer, Matthew N., M.D., "ACROMED Cable System by Songer: Technique Manual," 1993, pp. 1-20.
	EO	Oxland, Thomas R., Ph.D., et al., SpineTech Inc. Publication entitled, "Biomechanical Rationale - The BAK Interbody Fusion System: An Innovative Solution," pp. 1-16.
	EP	SpineTech, Inc. publication entitled, "Patient Information on Spinal Fusion Surgery and the BAK Interbody Fusion System," 10 pp.
	EQ	SpineTech, Inc. publication entitled, "BAK/Cervical Interbody Fusion System," 1994, 2 pp.

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	ER	SpineTech, Inc. publications entitled, "Instrumentation BAK Interbody Fusion System," "Biomechanics BAK Interbody Fusion System," and "Porosity BAK Interbody Fusion System," 1996, 12 pp.
	ES	SpineTech, Inc. publication entitled, "The BAK Interbody Fusion System," 1996, 4 pp.
	ET	Depuy Motech, Inc. publication entitled, "Moss Miami 3-Dimensional Spinal Instrumentation: Taking Spinal Instrumentation to a New Dimension," 1995, 8 pp.
	EU	Shufflebarger, Harry L., M.D., "Moss Miami Spinal Instrumentation System: Methods of Fixation of the Spondylopelvic Junction," <u>Lumbosacral and Spinopelvic Fixation</u> , 1996 by Raven Publishers, Philadelphia, pp. 381-393.
	EV	Shufflebarger, Harry L., M.D., Depuy Motech publication entitled, "Clinical Issue: Rod Rotation in Scoliosis Surgery," 5 pp.

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	EW	AcroMed publication entitled, "Instruments," 3 pp.
	EX	SpineTech, Inc. publication entitled, "The Bone Harvester," 1996, 2 pp.
	EY	Wright Medical Technology Publication entitled, "Versalok Low Back Fixation System," 1996, pp. 1-4
	EZ	Danek Medical, Inc. Publication entitled, "TSRH Lumbar System," 1991, pp. 1-4

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EXAM. INITIALS	REF. DES	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	FA	5,607,426	03-04-97	Ralph et al.			
	FB	5,609,593	03-11-97	Errico et al.			
	FC	5,609,594	03-11-97	Errico et al.			
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	FD	5,674,222	10-07-97	Berger et al.			
	FE	5,672,175	09-30-97	Martin			
	FF	5,671,695	09-30-97	Schroeder			
	FG	5,669,911	09-23-97	Errico et al.			
	FH	5,669,910	09-23-97	Korhonen et al.			
	FI	5,669,909	09-23-97	Zdeblick et al.			
	FJ	5,667,508	09-16-97	Errico et al.			

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	FK	5,667,507	09-16-97	Corin et al.			
	FL	5,667,506	09-16-97	Sutterlin			
	FM	5,665,088	09-09-97	Gil et al.			
	FN	5,662,653	09-02-97	Songer et al.			
	FO	5,658,516	08-19-97	Eppley et al.			
	FP	5,658,289	08-19-97	Boucher et al.			
	FQ	5,653,709	08-05-97	Frigg			

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	FR	5,653,708	08-05-97	Howland			
	FS	5,651,283	07-29-97	Runciman et al.			
	FT	5,645,084	07-08-97	McKay			
	FU	5,668,288	09-16-97	Storey et al.			
	FV	5,665,122	09-09-97	Kambin			
	FW	5,665,112	09-09-97	Thal			
	FX	5,658,337	08-19-97	Kohrs et al.			

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	FY	5,632,747	05-27-97	Scarborough et al.			
	FZ	5,616,144	04-01-97	Yapp et al.			
	GA	5,603,713	02-18-97	Aust et al.			
	GB	5,593,409	01-14-97	Michelson			
	GC	5,569,248	10-29-96	Mathews			
	GD	5,563,124	10-08-96	Damien et al.			
	GE	5,536,271	07-16-96	Daly et al.			

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	GF	5,531,751	07-02-96	Schultheiss et al.			
	GG	5,527,341	07-18-96	Gogolewski et al.			
	GH	5,514,180	05-07-96	Heggeness et al.			
	GI	5,496,318	03-05-96	Howland et al.			
	GJ	5,489,307	02-06-96	Kuslich et al.			
	GK	5,480,437	01-02-96	Draenert			
	GL	5,425,772	06-20-95	Brantigan			

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	GM	5,423,825	06-13-95	Levine			
	GN	5,397,364	03-14-95	Kozak et al.			
	GO	5,357,983	10-25-94	Mathews			
	GP	5,348,026	09-20-94	Davidson			
	GQ	5,336,240	08-09-94	Metzler et al.			
	GR	5,306,309	04-26-94	Wagner et al.			
	GS	5,306,307	04-26-94	Senter et al.			

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	GT	5,303,718	04-19-94	Krajicek			
	GU	5,290,494	03-01-94	Coombes et al.			
	GV	5,263,953	11-23-93	Bagby			
	GW	5,192,321	03-09-93	Strokon			
	GX	5,129,904	07-14-92	Illi			
	GY	5,108,446	04-28-92	Wagner et al.			
	GZ	5,108,399	04-28-92	Eitenmuller et al.			

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	HA	5,026,373	06-25-91	Ray et al.			
	HB	4,878,915	11-07-89	Brantigan			
	HC	4,743,256	05-10-88	Brantigan			
	HD	4,492,226	01-08-85	Belykh et al.			
	HE	5,601,553	02-11-97	Trebing et al.			
	HF	5,607,425	03-04-97	Rogozinski			
	HG	5,607,430	03-04-97	Bailey			

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EXAM. INITIALS	REF. DES	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	HH	5,609,596	03-11-97	Pepper			
	HI	5,620,443	04-15-97	Gertzbein et al.			
	HJ	5,624,441	04-29-97	Sherman et al.			
	HK	5,626,579	05-06-97	Muschler et al.			
	HL	5,628,740	05-13-97	Mullane			
	HM	5,628,756	05-13-97	Barker, Jr. et al.			
	HN	5,630,816	05-20-97	Kambin			

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SERIAL NO: 09/089,027

APPLICANT: Wagner et al.

FILING DATE: June 2, 1998

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	HO	5,634,925	06-03-97	Urbanski			
	HP	5,643,260	07-01-97	Doherty			
	HQ	5,643,264	07-01-97	Sherman et al.			
	HR	5,643,265	07-01-97	Errico et al.			
	HS	5,645,544	07-08-97	Tai et al.			
	HT	5,647,873	07-15-97	Errico et al.			
	HU	5,649,927	07-22-97	Kilpela et al.			

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	HV	5,651,789	07-29-97	Cotrel			
	HW	5,653,763	08-05-97	Errico et al.			
	HX	4,501,269	02-26-85	Bagby			
	HY	4,834,757	05-30-89	Brantigan			
	HZ	5,055,104	10-08-91	Ray			
	IA	5,397,364	03-14-95	Kozak et al.			
	IB	5,484,437	01-16-96	Michelson			

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	IC	5,505,732	04-09-96	Michelson			
	ID	5,645,549	07-08-97	Boyd et al.			
	IE	5,645,598	07-08-97	Brosnahan, III			
	IF	5,658,337	08-19-97	Kohrs et al.			
	IG	5,312,405	05-17-94	Korotko et al.			

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	IH	5,681,312	10-28-97	Yuan et al.			
	II	5,681,311	10-28-97	Foley et al.			
	IJ	5,676,703	10-14-97	Gelbard			
	IK	5,676,701	10-14-97	Yuan et al.			
	IL	5,676,666	10-14-97	Oxland et al.			
	IM	5,676,665	10-14-97	Bryan			
	IN	5,674,296	10-07-97	Bryan et al.			

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	IO	5,674,295	10-07-97	Ray et al.			
	IP	5,360,429	11-01-94	Jeanson et al.			

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IQ Spinal Concepts Inc. publication entitled "The BacFix ss - Posterior Lower Back Fixation System - Written Surgical Technique," 1997, pp. 1-11.

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	AA3	5,693,100	12-02-97	Pisharodi			
	AB3	5,693,053	12-02-97	Estes			
	AC3	5,693,046	12-02-97	Songer et al.			
	AD3	5,690,842	11-25-97	Panchison			
	AE3	5,690,632	11-25-97	Schwartz et al.			

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	AF3	5,690,631	11-25-97	Duncan et al.			
	AG3	5,690,630	11-25-97	Errico et al.			
	AH3	5,690,629	11-25-97	Asher et al.			
	AI3	5,688,280	11-18-97	Booth, Jr. et al.			
	AJ3	5,688,279	11-18-97	McNulty et al.			

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	AK3	5,688,274	11-18-97	Errico et al.			
	AL3	5,688,273	11-18-97	Errico et al.			
	AM3	5,688,272	11-18-97	Montague et al.			
	AN3	5,683,394	11-04-97	Rinner			
	AO3	5,683,393	11-04-97	Ralph			

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	AP3	5,683,392	11-04-97	Richelsoph et al.			
	AQ3	5,683,391	11-04-97	Boyd			

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	AA4	5,690,633	11-25-97	Taylor et al.			
	AB4	5,697,929	12-16-97	Mellinger			
	AC4	5,697,977	12-16-97	Pisharodi			
	AD4	5,700,291	12-23-97	Kuslich et al.			
	AE4	5,700,292	12-23-97	Margulies			

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	AF4	5,702,391	12-30-97	Lin			
	AG4	5,702,392	12-30-97	Wu et al.			
	AH4	5,702,393	12-30-97	Pfaifer			
	AI4	5,702,394	12-30-97	Henry et al.			
	AJ4	5,702,395	12-30-97	Hopf			

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	AK4	5,702,396	12-30-97	Hoenig et al.			
	AL4	5,702,399	12-30-97	Kilpela et al.			
	AM4	5,702,449	12-30-97	McKay			
	AN4	5,702,450	12-30-97	Bisserie			
	AO4	5,702,451	12-30-97	Biedermann et al.			

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	AQ4	5,702,453	12-30-97	Rabbe et al.			
	AR4	5,704,936	06-06-98	Mazel			
	AS4	5,702,455	12-30-97	Saggar			
	AT4	4,604,995	08-12-86	Stephens et al.			

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	AS4	5,702,455	12-30-97	Saggar			
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